Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant  Name and address of agent (if any)

Biffa Waste Services Limited
Poplars Landfill Site
Lichfield Road
Cannock
Staffordshire
WS1 8NQ

Part I - Particulars of application

Date of Application  Application No.

17 February 2015  NCC Ref: 15/00010/WASVOC

DDC Ref: DA/2015/0146

Particulars and location of development
Variation of Condition 22 of Planning Permission DA/90/1085C to allow the retention of the site vehicular access and concrete hardstanding until the Environmental Compound is removed at Welford Landfill Site, Northampton Road, Cold Ashby, Northamptonshire, NN6 7JF.

Part II - Particulars of decision:

The Northamptonshire County Council

Hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been granted for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:-

Commencement of Development

1. The development subject of application ref. no. 15/00010/WASVOC hereby permitted has commenced.

Reason: In the interest of clarity and to comply with Section 91 of the Town and Country Planning Act as amended by the Planning and Compulsory Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.

Scope of Permission

2. This planning permission shall supersede, consolidate and replace planning permission ref. nos. DA/90/1085C and DA/03/926C, for the restored Welford Quarry and Landfill Site, subject of the aforementioned planning permissions.

3. With the exception of materials imported to achieve a satisfactory form of restoration, planting and seeding that are required as part of appropriate aftercare under the conditions attached to this planning permission, there shall be no further waste imported to the site and no further landfilling or other waste management operations taking place, without the prior written consent of the Waste Planning Authority.

4. Except as otherwise required under other conditions attached to this planning permission, from the date of this permission, the site shall be retained and maintained in accordance with restored landscaping and planting layout shown on plan/drawing W3130901 dated 26/04/1999 submitted with this planning application, and to the land levels shown on Drawing No. 10 dated April 1991 entitled Final Restoration Contours, formerly approved under condition 2(a) of permission ref. no. DA/03/926C.

Reason for conditions 2 - 4: For the avoidance of doubt and to ensure a safe and satisfactory form of development is retained as previously approved under and within the scope of permission ref. nos. DA/90/1085C and DA/03/926C.

Restoration & Aftercare

5. Unless otherwise previously agreed in writing with the Waste Planning Authority the landscaping and planting shown on plan/drawing W3130901 dated 26/04/1999 submitted with the letter from Biffa dated 15 January 2015, shall be undertaken in accordance with that plan/drawing and to the specification in the 'Submission of Report to Satisfy Conditions 18 and 29 of Planning Permission ref. no. DA/90/1085C', dated October 1997 by Philip Barker Associates.

6. All seeding, planting and landscaping approved under condition 5 above shall be undertaken by the end of the first planting season after the date of this planning permission, and in any event no later than 1 March 2016.

Reason for conditions 5 & 6: In the interests of visual amenity and to ensure the timely and satisfactory restoration of the site (Policy 25 and 28 of the Northamptonshire Minerals & Waste Local Plan (October 2014)).

7. Any trees or shrubs which die or for any reason fail to become, established within five years of planting shall be replaced during the following planting season with trees or shrubs of a similar size and species to those originally required.

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Reason: To ensure as far as possible the retention and maintenance of the approved planting and landscaping scheme (Policy 25 and 28 of the Northamptonshire Minerals & Waste Local Plan (October 2014)).

8. Any ditches, fences, hedges, gates, field drains or water supplies required for good husbandry shall be provided following restoration of the land and on its reinstatement to agricultural use.

Reason: To ensure the proper agricultural restoration of the site and to maintain the agricultural characteristics and function of the land (Policy 25 and 28 of the Northamptonshire Minerals & Waste Local Plan (October 2014)).

9. To demonstrate that 5 years after the final restoration of the site the levels are in accordance with the previously approved post-settlement restoration landform, by 31 December 2018 a survey of levels at the site shall be undertaken and incorporated into a contour plan, that shall be submitted to the Waste Planning Authority for approval.

Reason: To ensure that the land has settled in accordance with the approved final landform in the interest of the landscape and visual amenity (Policy 25 and 28 of the Northamptonshire Minerals & Waste Local Plan (October 2014)).

10. The five year programme of aftercare shall be implemented to the Waste Planning Authority's satisfaction as approved under permission ref. no. DA/90/1085C in accordance with 'Submission of Report to Satisfy Conditions 18 and 29 of Planning Permission ref. no. DA/90/1085C', dated October 1997 by Philip Parker Associates, to bring the land to the required standard for agricultural use.

Reason: To bring the land back to a standard required for agriculture, and ensure the proper aftercare provisions are made and reported to the Waste Planning Authority (Policy 25 and 28 of the Northamptonshire Minerals & Waste Local Plan (October 2014)).

Control & Removal of Built Development

11. By 31 December 2050 or the removal of the Environmental Compound approved under Northamptonshire County Council planning permission ref. no. 10/00032/WASVOC, whichever is sooner, the vehicular access shall be reinstated to its former condition in accordance with a scheme that shall have been previously submitted to and approved in writing by the Waste Planning Authority.

Reason: In the interests of highway safety and visual amenity (Policies 19, 25 and 28 of the Northamptonshire Minerals & Waste Local Plan (October 2014)).

12. With the exception of all buildings, plant and machinery previously approved under Conditions 26 and 27 of permission ref. no. DA/90/1085C, all fixed and mobile plant, machinery, equipment, structures, buildings, foundations,

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security fences and internal haul roads, on the application site shall be removed from the site and the land reinstated in accordance with a scheme previously approved in writing by the Waste Planning Authority, not later than the date referred to in Condition 11 of this permission or at such earlier time or times as the Waste Planning Authority determine that they are no longer required either for the purpose for which they were installed or for the restoration or rehabilitation of the site.

**Reason:** To ensure that the Waste Planning Authority retains control of the location, erection, appearance and removal of fixed and mobile plant, machinery, buildings and foundations in the interests of amenity (Policy 25 and 28 of the Northamptonshire Minerals & Waste Local Plan (October 2014)).

13. No fixed plant, machinery, structures or any buildings in connection with the development hereby permitted shall be erected, extended, installed, rearranged, repaired or altered in any way under the provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting this Order).

**Reason:** To ensure that the Waste Planning Authority retains control of the location, erection, appearance and removal of fixed and mobile plant, machinery, buildings and foundations in the interests of amenity (Policy 25 and 28 of the Northamptonshire Minerals & Waste Local Plan (October 2014)).

### POSITIVE AND PROACTIVE MANNER STATEMENT

In determining this planning application the Waste Planning Authority has worked with the applicant in a positive and proactive manner. Responses on the submitted application have been considered by the Waste Planning Authority and conveyed to the applicant/agent and are addressed by conditions where appropriate.

The approach to this application has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

### INFORMATIVE

1. **Public Rights of Way**

With respect to construction works to be carried out in close proximity to and using Public Rights of Way as access, please note the following standard requirements:-

- The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times, it is an offence to obstruct the highway under Section 137 HA 1980.

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• There must be no interference or damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by this office, under Section 131 HA1980.

• If as a result of the development, the Right of Way needs to be closed, where a Temporary Traffic Regulation Order would become necessary. An Application form for such an order is available from Northamptonshire County Council website, a fee is payable for this service and a period of six weeks' notice period is required. Please contact the highway authority at:- defmap@kierwsp.co.uk; www.northamptonshire.gov.uk/en/councilservices/transport/row/legal/pages/temptros.aspx.

• Any new path furniture (e.g. gates preferred over stile) needs to be approved in advance with the Access development Officer, standard examples can be provided.

• Please do not rely on the position of features on site for an accurate position of the public rights of way. This must be taken only from the Definitive Map and Statement 2010.

Diversion Orders

Prior to the commencement of works affecting any existing public right of way full details of any enhancement, improvement, diversion or closure shall be submitted to and gain the approval of the local planning authority.

Notes:
1. No works affecting any existing public right of way may commence without the express written permission of the local highway authority's Rights of Way team.
2. The developer is reminded to apply to the local planning authority for any proposed diversion of a right of way under Section 257 of the Town and Country Planning act 1990 required to facilitate the development of 15/00010/WASVOC. The alternative route for such a diversion must be agreed with the local highway authority's Rights of Way team and be available for public use prior to the closure of any existing route.

Northamptonshire County Council is available and preferably required for the involvement, guidance and consultation at all stages of the diversion orders as necessary.

This response is without prejudice to any Public Right of Way which may exist across the site but whose presence is not recorded on the County Council's Definitive Map and Statement (2010).

Date 1st May 2015 Signed C. P. Watkinson

For Assistant Director of Environment and Planning

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1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or the grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/08a Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements (a), to the provisions of the development order, and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

(a) The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.


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